

REMARKS

I. STATUS OF THE CLAIMS

Claims 20-38 are pending in this patent application. Claims 1 – 19 were previously cancelled.

Claim 35 has been amended to correct a typographical error.

Claim 38 is new. Support for this claim can be found, for example, at page 9, first full paragraph, of the original specification.

II. DOUBLE PATENTING REJECTIONS

Claims 20 – 31, 36 and 37 have been rejected on the ground of non-statutory obviousness-type double patenting as allegedly being unpatentable over at least one of US 6,291,555 (Surjan '555), US 6,403,678 (Surjan '678), and US 6,420,458 (Surjan '458) in view of US 6,166,849 (Coleman) and US 5,681,128 (Morgan). In addition, claims 32 – 35 have been rejected on the ground of non-statutory obviousness-type double patenting as allegedly being unpatentable over US 6,645,340 (Gienau) and US 5,962,602 (Harman).

Although not necessarily agreeing with the Office's conclusions, applicants will consider filing terminal disclaimers directed to the abovementioned patents if the claimed subject matter is otherwise allowable. Such terminal disclaimers will render these obviousness-type double patenting rejections moot.

III. OBVIOUSNESS REJECTIONS

Claims 20 – 31, 36, and 37 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Surjan '555, Surjan '678, Surjan '458, and US 6,402,434 (Surjan '434), and US 6,416,246 (Surjan '246), in view of Coleman and

Morgan. These claims have also been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Coleman, Morgan, Gienau, Hartman, US 4,623,702 (Grieves), EP 488,949, and JP 200-273354 (Abstract). Claims 32 – 35 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the abovementioned references further in view of Gienau and Hartman. Claims 32 – 35 also have been rejected as allegedly being unpatentable over Gienau, Hartman, EP 488,949, Toussaint, Grieves, and JP 200-273354 (Abstract).

The Office does not deny that the claimed combination of components is novel, but instead rejects the claims as being *prima facie* obvious over the cited prior art. Here, the Office characterizes the claimed invention is merely a combination of two compositions, each of which is taught by the prior art to be useful for the same purpose. The Office also notes that comparative data has not been submitted to support the finding that the claimed curing agent combination yields unpredictable and superior results over that of the references.

Included with this reply is a Rule 132 Declaration demonstrating that curable adhesives of the claimed invention unexpectedly have a higher and more consistent anchor pullout strength compared to prior art anchors. Accordingly, applicant reasserts that the pending claims are patentable over the cited prior art for the reasons presented in applicant's communication dated November 7, 2009. That is, one skilled in the art would not have predicted the increase pullout strength that can be achieved by curing an epoxy adhesive with a curing agent consisting essentially of a plurality of aliphatic amines and at least one tertiary amine.

IV. CONCLUSION

Applicants believe that the foregoing constitutes a complete and full response to the Action of record. Applicants respectfully submit that this application is now in condition for allowance. Accordingly, an indication of allowability and an early Notice of Allowance are respectfully requested.

The Commissioner is hereby authorized to charge any additional fees that have not been paid to Deposit Account No. 50-1943.

Respectfully submitted,

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